D.B. CIVIL SPECIAL APPEAL NO.117/2007
Smt. Harsha Kotai Vs. Shri Deepak Kotai

Date : 21.09.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE SANGEET LODHA

Mr. B.K. Vyas for the appellant.

This appeal is against the rejection of transfer application moved by the appellant.

The only ground for transferring the divorce petition from Family Court, Udaipur to Family Court, Jaipur is that the applicant wife is residing at Jaipur, however, it is not in dispute that parties have lived together until the harmony lasted at Udaipur. Marriage took place at Udaipur and apart from the shifting of wife to Jaipur after the matrimonial dispute had arisen, no other justifiable ground for transfer of the petition from Udaipur to Jaipur has been made out. The learned Single Judge, in our opinion, was right in rejecting the application for transfer.

This appeal, therefore, fails and is hereby dismissed.

The learned counsel for the applicant lastly makes a prayer that wife may be awarded expenses for going to Udaipur for each date of hearing. For this purpose, she may put her appearance before the Family Court, Udaipur and may make such application. On making such application, the Family Court may issue necessary directions.

[SANGEET LODHA], J. [RAJESH BALIA], J.

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